

REMARKS

Claims 3, 6-28, 30-36, and 38-45 have been canceled.

Claim 2 has been amended to incorporate elements of Claim 30. Specifically, Claim 2 now recites that the first vector comprises a nucleic acid sequence encoding an AAV4 capsid protein having the amino acid sequence set forth in SEQ ID NO:4.

I. Rejections Under 35 U.S.C §112, first paragraph –enablement

The Examiner has rejected Claims 2-3, 6-28, 31-36 and 38-45 for lack of enablement. Specifically the Examiner states that while the specification enables methods and compositions comprising the AAV4 proteins set forth in SEQ ID NO:2, 4, 8, 9, 10, 11, 16 and 18, it does not enable the claimed variants thereof.

While Applicants disagree with the Examiner's position and do not acquiesce to it, in the interest of expediting prosecution, Claims 3, 6-28, 30-36, and 38-45 have been canceled. Furthermore, Claim 2 has been amended so that it is no longer drawn to capsid proteins that are variants of SEQ ID NO:4. Specifically, as suggested by the Examiner, Claim 2 has been amended to incorporate the elements of Claim 30. In its amended form, Claim 2 specifies that the encoded AAV4 capsid protein has the amino acid sequence set forth in SEQ ID NO:4. Thus, Applicants request withdrawal of the rejection for lack of enablement.

II. Rejections Under 35 U.S.C §112, first paragraph –written description

The Examiner has rejected Claims 2-3, 6-28, 30-36 and 38-45 for lack of written description. Specifically the Examiner states that Applicants only disclose a single actual amino acid sequence of the SEQ ID NO's recited in the claims. The Examiner further states that neither Applicants nor the prior art teach variants of the disclosed sequences that would be functional and therefore useful. Thus the Examiner concludes that Applicants have failed to adequately describe the claimed invention.

While Applicants disagree with the Examiner's position and do not acquiesce to it, in the interest of expediting prosecution, Claims 3, 6-28, 30-36, and 38-45 have been canceled. Furthermore, Claim 2 has been amended so that it is no longer drawn to capsid proteins that are variants of SEQ ID NO:4. As described above, Claim 2 now specifies that the encoded AAV4 capsid protein has the amino acid sequence set forth in SEQ ID NO:4, which the Examiner

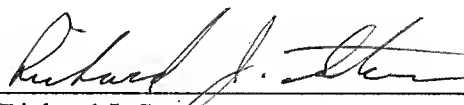
acknowledges has been adequately described. Thus, Applicants request withdrawal of the rejection for lack of written description.

Conclusion

Claim 2 has been amended to incorporate the elements of Claim 30, a combination the Examiner indicated would result in allowable subject matter. Thus, Applicants believe that Claim 2 is in condition for allowance. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted
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